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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

VINCENT LUCCINO, CLIFF STERN, and
NOEL J. SPIEGEL, individually and on
behalf of all others similarly situated,

Plaintiffs,
v.
MERCEDES-BENZ USA, LLC,
Defendant.

Civil Action No: 09-5582 (JLL)(JAD)

NOTICE OF MOTION

To: All persons on ECF notice list

COUNSEL:

PLEASE TAKE NOTICE that on such date and time as the Court shall designate, Plaintiffs Vincent Luppino, Cliff Stern, and Noel J. Spiegel ("Plaintiffs") will move before the Honorable Jose L. Linares, at the United States District Court, Martin Luther King Jr. Federal Courthouse, 50 Walnut Street, Newark, New Jersey, for an Order pursuant to Fed. R. Civ. P. 23(a), 23(b)(3) and 23(c)(4): (1) certifying this case as a class action on behalf of a

nationwide class consisting of all persons and entities in the United States who purchased or leased a Mercedes-Benz passenger vehicle, Model Year 2006 to present, in any state (or, in the alternative, any person or entity who purchased or leased a Mercedes-Benz passenger vehicle, Model Year 2006 to present, in the State of New Jersey), equipped with 17, 18, or 19-inch aluminum, cast-alloy Wheels;¹ (2) appointing Plaintiffs as Class Representatives; and (3) appointing Carella, Byrne, Cecchi, Olstein, Brody & Agnello; Grant & Eisenhofer P.A.; Gardy & Notis, LLP; and Faruqi & Faruqi, LLP as Class Counsel.

PLEASE TAKE FURTHER NOTICE that in support of said motion, Plaintiff shall rely upon the July 30, 2015 Declaration of James E. Cecchi and the exhibits thereto and the accompanying Memorandum of Law. A proposed form of Order has been submitted.

The undersigned hereby requests oral argument.

Dated: July 30, 2015

**CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO**

By: /s/ James E. Cecchi
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¹ Excluded from the Class is Defendant, as well as Defendant's parent, affiliates, employees, officers and directors, including franchised dealers, and any person who has experienced physical injury as a result of the defects at issue in this litigation.

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